

# **NORFOLK, VIRGINIA**

## **ACTION OF THE COUNCIL**

### **CITY COUNCIL MEETING**

**TUESDAY, MARCH 15, 2016 – 7:00 P.M.**

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the conveyance of a **Utility Easement** to the City of Norfolk by the **Visitors of Old Dominion University**, located in the former right-of-way of Bluestone Avenue.

Thereupon, An Ordinance entitled, “An Ordinance approving the conveyance of a **Utility Easement** in the former right-of-way of **Bluestone Avenue** to the City of Norfolk by the **Visitors Of Old Dominion University**; authorizing the City Manager to accept the **Deed of Easement** on behalf of the City; approving the release by the City of Norfolk to the **Visitors of Old Dominion University** of a certain portion of a 1966 Utility Easement located in the former right-of-way of **Bluestone Avenue**; and authorizing the City Manager to execute the Deed of Release on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of property to **Balance Builders, Inc.**, located at **1553 West 41<sup>st</sup> Street**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **Balance Builders, Inc.** of certain parcels of property located at **1553 W. 41<sup>st</sup> Street** for the total sum of \$18,000 in accordance with the terms and conditions of the **Purchase and Sale Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **‘The Barrel Room’** on property located at **437 Granby Street,**” was introduced in writing and read by its title.

Mr. Angel Velazquez, the applicant, 409 Sand Willow Court, Chesapeake, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-1A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as **‘The Barrel Room’** on property located at **437 Granby Street,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-2

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named **‘Bearded Bird Brewing Company’** on property located at **725 Granby Street, Suite 727,**” was introduced in writing and read by its title.

Mr. Joseph Cloonan, the applicant, 122 West Leicester Avenue, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-2A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment with alcoholic beverages known as **‘Bearded Bird Brewing Company’** on property located at **725 Granby Street, Suite 727,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **‘The Cure Coffeehouse and Brasserie’** on property located at **503 Botetourt Street, Suites 503 and 507,**” was introduced in writing and read by its title.

Chris Shelton and Christopher Shelton, the applicants, 503 Botetourt Street, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate a used merchandise sales establishment named **‘Lost and Found Treasures’** on property located at **7924 Chesapeake Boulevard, Suite A,**” was introduced in writing and read by its title.

Dennis Shy, the applicant, 8230 Carrene Drive, #1, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Commercial Drive-Through** for **‘Wendy’s’** on property located at **1805 Monticello Avenue,**” was introduced in writing and read by its title.

Scott Jones, the applicant, 438 Telegraph Road, Alloway, NJ, Lisa Murphy, the attorney, and Gregg Hayes, the engineer, 8033 Rouse Drive, Virginia Beach, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$10,000.00 from **Norfolk Southern Foundation** and appropriating and authorizing the expenditure of \$10,000.00 for the purchase of training equipment and/or supplies to support the **Norfolk Police Department,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$10,000.00 from **Norfolk Southern Foundation** and appropriating and authorizing the expenditure of \$10,000.00 for the purchase of training equipment and/or supplies to support the **Department of Fire-Rescue,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **City as Administrative and Fiscal Agent** for the **Norfolk Transitional Grant Area (TGA)** under **Title I** of the **Ryan White Comprehensive Aids Resources Emergency (CARE) Act** to accept Part A grant funds in the amount of \$6,175,144.00 from the **U.S. Department of Health and Human Services for HIV/AIDS Health and Support Services** and appropriating and authorizing expenditure of the grant funds,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-9

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Golf Management, Inc.** in the amount of \$3,824.64, plus interest, based upon the overpayment of its Admission Tax for the year 2015,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **LogistiCare Solutions, LLC** in the amount of \$20,314.36, plus interest, based upon the overpayment of its Business License Tax for the Year 2015,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City of Norfolk to enter into a **Performance Agreement** with the **Economic Development Authority** of the City of Norfolk and **ADP, LLC**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$20,000.00 from the Hampton Roads Planning District Commission and appropriating and authorizing the expenditure of \$20,000.00 for the construction of the **Lavalette Avenue Canoe/Kayak Launch and Fishing Dock**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 15, 2016.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

### **NEW BUSINESS**

1. Bert Schmidt, President, WHRO, 5200 Hampton Blvd, updated Council on what’s happening in the libraries. His main focus was on technology, what they already have and what is needed. The libraries are currently equipped with Broadband and Wi-Fi, some libraries are more current then others. He would like to see all libraries have the latest and greatest technology, because the educational system is now requiring all students to take an on-line class before they graduate. He wants to make sure that students have access to the information they need.
2. Danny Lea Ginn, 3844 Dare Circle, stated that in April, 2015, Council passed Resolution 1,615 to address the conduct of the Council meetings. Mr. Ginn stated that this Resolution takes away a person’s First Amendment right. He spoke on Rules (6 C), that states that the president can discontinue comments from any speakers based on personal attack to the Council, administrators or members of the public, (6 D) states that if a person is repetitive in their viewpoint the same would apply in Rule (6C) and Rule (7) states that if a person refuses to obey the ruling of the presiding officer, that the speaker can be dismissed and escorted out of the meeting.